

Bill no.:	<u>Committee Print</u>
H.L.C.	
Amendment no.:	<u>13</u>
Date offered:	<u>10/26/05</u>
Disposition:	<u>Agreed to by VV</u>

**AMENDMENT TO THE COMMITTEE PRINT  
OFFERED BY MS. ESHOO OF CALIFORNIA**

**Sense of congress**

At the end of the Committee Print, add the following new section:

1 **SEC. \_\_\_\_\_. SENSE OF CONGRESS.**

2 (a) **FINDINGS.**—The Congress finds the following:

3 (1) The wireless communications industry in  
4 the United States is becoming increasingly concentrated: there are currently no ownership limitations on wireless companies, and the five largest  
5 wireless carriers in the U.S. control nearly 90 percent of United States wireless subscribership.

6 (2) Over 90 percent of households receive their  
7 broadband services through either cable or digital  
8 subscriber line (DSL) service, and most cable and  
9 DSL providers are heavily concentrated within their  
10 geographic markets.

11 (3) Under the Omnibus Budget and Reconciliation Act of 1993, Congress tasked the Federal  
12 Communications Commission to promote economic  
13 opportunity by disseminating wireless communications licenses among a wide variety of applicants, in-



1 cluding small businesses and rural telephone compa-  
2 nies.

3 (4) Upcoming auctions for the returned analog  
4 broadcast spectrum in the 700 megahertz band that  
5 will be cleared following the transition from analog  
6 to digital broadcast television and Advanced Wireless  
7 Services (AWS) in the 1710–1755 megahertz and  
8 2110–2155 megahertz bands will likely be the last  
9 reallocation opportunities for commercial wireless  
10 communications services and wireless broadband  
11 services in the foreseeable future.

12 (5) In the near term, wireless broadband pre-  
13 sents the most promising opportunity to provide a  
14 third option (other than cable modem or DSL serv-  
15 ice) for broadband Internet access for most con-  
16 sumers, and the spectrum in the 700 megahertz  
17 band is considered “beachfront” property by tele-  
18 communications carriers because wireless signals at  
19 this frequency range pass easily through buildings,  
20 trees, and other interference.

21 (6) The 700 megahertz band offers a historic  
22 opportunity to provide the equivalent of a “third  
23 wire” into the home – an alternative to telephone or  
24 cable broadband access that will create new competi-



1       tion and incentives for new entrants, innovation, and  
2       broader service offerings.

3       (b) SENSE OF THE CONGRESS.—It is the sense of  
4       the Congress that the House of Representatives urges the  
5       Federal Communications Commission to disseminate wire-  
6       less communications licenses consistent with the findings  
7       in subsection (a) and to do so utilizing its existing author-  
8       ity under section 309(j) of the Communications Act of  
9       1934, which requires the Commission to promote the fol-  
10      lowing objectives:

11           (1) the development and rapid deployment of  
12           new technologies, products, and services for the ben-  
13           efit of the public, including those residing in rural  
14           areas, without administrative or judicial delays;

15           (2) promoting economic opportunity and com-  
16           petition and ensuring that new and innovative tech-  
17           nologies are readily accessible to the American peo-  
18           ple by avoiding excessive concentration of licenses  
19           and by disseminating licenses among a wide variety  
20           of applicants, including small businesses and rural  
21           telephone companies;

22           (3) recovery for the public of a portion of the  
23           value of the public spectrum resource made available  
24           for commercial use and avoidance of unjust enrich-



1       ment through the methods employed to award uses  
2       of that resource; and  
3       (4) efficient and intensive use of the electro-  
4       magnetic spectrum.

